

R-6-16

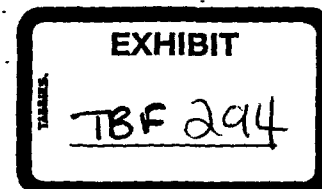
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\*VIRGINIA BAR ONLY

TELECOPIER  
(202) 785-0934



August 8, 1990

George F. Gardner  
Raystay Company  
P.O. Box 38  
Carlisle, PA 17013

Dear George:

As you know, the Commission has granted Raystay's applications for construction permits for five new low-power television (LPTV) stations. For purposes of convenience, they are enclosed. In order to persuade the Commission to grant those applications, Raystay promised to initiate a compliance program whereby our law firm would certify to you every three months that the LPTV stations were complying with the Commission's rules. Pursuant to your request, this letter will discuss what needs to be done to institute that compliance program.

On May 8, 1990, we wrote a memorandum setting forth our proposed compliance program. A copy of the memorandum is enclosed. The compliance program should be established now for the Dillsburg station, and it can be extended to the other LPTV stations as they are constructed.

90062

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Federal Communications Commission

Docket No. 93-75 Exhibit No. 294

Presented by TRINITY

Disposition

Identified ✓ 5/4/94  
Received ✓ 5/5/94  
Rejected \_\_\_\_\_

Reporter M.R. FUEISHMAN

Date 5/4/94

We should be kept informed of the status of construction for the new LPTV stations as they are built. When the new stations are ready to go on the air, we should be informed so we can prepare license applications and extend the compliance program to those stations.

We estimate that our fees for administering the compliance program will be approximately every three months.

- 3 -

Please call either John Schauble or me if you have any questions.

Sincerely,



Lewis I. Cohen

Enclosures

cc: Robert Mosebach (w/enclosures)

90064

(3)

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MEMORANDUM

TO: Erika Bishop  
George Gardner

FROM: John Schauble JS

RE: Compliance with LPTV rules and establishment of  
compliance program

DATE: May 8, 1990

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As you both know, the Commission is requiring Raystay to institute a compliance program to ensure that its LPTV stations comply with all pertinent Commission rules. George has asked us to certify to him every three months that the LPTV stations are complying with the Commission's rules. This memorandum will discuss the major LPTV rules that Raystay must comply with and set forth our proposed program for ensuring compliance with those rules.

It is my understanding that the Dillsburg LPTV station has more than five full-time employees. It is therefore required to file an Annual Employment Report on or before May 31 of each year. We have no record of any such reports being filed. The report must be filed on the enclosed FCC Form 395-B. I propose that we either prepare the report based upon information you provide to us, or that we review the report you provide to us along

90042  
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with the necessary back-up data (e.g., employee lists with pertinent data). Erika should call me immediately to discuss this year's report.

Raystay's LPTV stations are required to comply with the Commission's equal employment opportunity rules, which are enclosed. With its renewal application, each station is required to file a detailed EEO program report. The Commission form, Form 396, is enclosed for your convenience. The Commission requires licensees to keep track of the sources from which it receives referrals for job openings, the number of minority and women referrals it receives from each source, and information on the race and sex of all job applicants. We propose that every year, prior to the filing of the Annual Employment Report, you provide us with the information we would need to prepare FCC Form 396 (including individual data on each employee and job applicant). We will then analyze the information and point out areas where Raystay's EEO program can be improved.

LPTV stations are not required to comply with the normal public inspection file rule. They are required, however, to keep certain station records in a public building in the community of license. This file must be made available for the Commission's inspection. Those records must include the LPTV license, any correspondence

(5)

to or from the Commission, any network affiliation contracts or contracts relating to Raystay's ownership, "and other pertinent documents", such as any applications or reports filed with the Commission relating to that LPTV station. A person should be appointed to be in charge of keeping the station records current. Under the Commission's rules, a sign must be posted at the transmitter site listing the name, address, and telephone number of Raystay's local representative, the name of the person responsible for keeping the records, and the place where station records are maintained. Records must be kept for two years. I suggest that you send us the list of the documents in the station records file along with the address where the records are kept and the name of the records custodian. Then, every three months, you should let us know what documents have been removed from or added to the records.

LPTV stations with network affiliation agreements are required to file those agreements with the Commission. If any such agreements exist, please send them to me so that I can file them with the Commission.

If the station carries any advertising on behalf of political candidates or receives requests to carry such advertising, the station must maintain a political file that must be made available for public inspection. That file must contain any requests for broadcast time, a

notation of whether that request was granted, and the rates charged for the advertising. These records must also be retained for two years. You should also be familiar with the enclosed rules concerning political advertising. I suggest that every three months, you make a copy of materials added to the file and send those materials to us.

I am also enclosing several other rules that Raystay's LPTV stations are required to comply with. These rules deal with matters such as broadcasts of telephone conversations, rebroadcasts, sponsorship identification, lotteries, and contests. These rules are, for the most part, self-explanatory. If you have any questions about them, do not hesitate to call me.

We must also administer a compliance program for the Commission's engineering rules. We should receive every three months from the chief engineer for the LPTV stations a certification that all stations are being operated consistent with the terms of their licenses and with all Commission rules. In particular, the Commission requires yearly measurements of each station's carrier frequency and weekly inspections of any tower lighting. We should be provided with the frequency test results and a copy of an inspection and repair log for any tower lighting. We should also receive the name, address and telephone number of the engineer in charge so we can

(7)



Speak to the engineer directly, if necessary. Finally, each station is required to have a copy of the Commission's broadcast rules readily available for the station operator to review.

Please call with any questions or observations you might have on this program.

Enclosures

[Equal Employment]

[§53:2080] §73.2080 Equal employment opportunities. - (a) General EEO policy. Equal opportunity in employment shall be afforded by all licensees or permittees of commercially or noncommercially operated AM, FM, TV or international broadcast stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment by such stations because of race, color, religion, national origin or sex.

(b) EEO program. Each broadcast station shall establish, maintain, and carry out a positive continuing program of specific practices designed to ensure equal opportunity in every aspect of station employment policy and practice. Under the terms of its programs, a station shall:

(1) Define the responsibility of each level of management to ensure a positive application and vigorous enforcement of its policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;

(2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation;

(3) Communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin or sex, and solicit their recruitment assistance on a continuing basis;

(4) Conduct a continuing program to exclude all unlawful forms of prejudice or discrimination based upon race, color, religion, national origin or sex from its personnel policies and practices and working conditions; and

(5) Conduct a continuing review of job structure and employment practices and adopt positive recruitment, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility.

(c) EEO program requirements. A broadcast station's equal employment opportunity program should reasonably address itself to the specific areas set forth below, to the extent possible, and to the extent that they are appropriate in terms of the station's size, location, etc.:

(1) Disseminate its equal opportunity program to job applicants and employees. For example, this requirement may be met by:

(i) Posting notices in the station's office and other places of employment, informing employees, and applicants for employment, of their equal employment opportunity rights. Where it is appropriate, such equal employment opportunity notices should be posted in languages other than English;

(ii) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited;

90047

(iii) Seeking the cooperation of labor unions, if represented at the station, in the implementation of its EEO program and the inclusion of nondiscrimination provisions in union contracts;

(iv) Utilizing media for recruitment purposes in a manner that will contain no indication, either explicit or implicit, of a preference for one sex over another and that can be reasonably expected to reach minorities and women.

(2) Use minority organizations, organizations for women, media, educational institutions and other potential sources of minority and female applicants, to supply referrals whenever job vacancies are available in its operation. For example, this requirement may be met by:

(i) Placing employment advertisements in media that have significant circulation among minorities residing and/or working in the recruiting area;

(ii) Recruiting through schools and colleges, including those located in the station's local area, with significant minority-group enrollments;

(iii) Contacting, both orally and in writing, minority and human relations organizations, leaders and spokesmen to encourage referral of qualified minority or female applicants;

(iv) Encouraging current employees to refer minority or female applicants;

(v) Making known to recruitment sources in the employer's immediate area that qualified minority members and females are being sought for consideration whenever you hire and that all candidates will be considered on a nondiscriminatory basis.

(3) Evaluate its employment profile and job turnover against the availability of minorities and women in its recruitment area. For example, this requirement may be met by:

(i) Comparing the composition of the relevant labor area with composition of the station's workforce;

(ii) Where there is underrepresentation of either minorities and/or women, examining the company's personnel policies and practices to assure that they do not inadvertently screen out any group and take appropriate action where necessary. Data on representation of minorities and women in the available labor force are generally available on a metropolitan statistical area (MSA) or county basis.

(4) Undertake to offer promotions of qualified minorities and women in a nondiscriminatory fashion to positions of greater responsibility. For example, this requirement may be met by:

90048

(i) Instructing those who make decisions on placement and promotion that qualified minority employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed;

(ii) Giving qualified minority and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interest and skills of all lower paid employees with respect to any of the higher paid positions.

(5) Analyze its efforts to recruit, hire and promote minorities and women and address any difficulties encountered in implementing its equal employment opportunity program. For example, this requirement may be met by:

(i) Avoiding use of selection techniques or tests that have the effect of discriminating against qualified minority groups or females;

(ii) Reviewing seniority practices to ensure that such practices are nondiscriminatory;

(iii) Examining rates of pay and fringe benefits for employees having the same duties, and eliminating any inequities based upon race or sex discrimination.

¶ NOTE: Section added by order in Docket No. 21474, effective April 1, 1979, 44 FR 6722. For Report see 45 RR 2d 15.

Section revised by order in Docket No. 85-350, effective August 17, 1987, 52 FR 26683. For Report see 63 RR 2d 220.

Subsection (c) amended by order in Docket No. 21474, effective August 11, 1981, 46 FR 35094. For Report see 49 RR 2d 1295.

#### [Application Forms]

[§53:3500] §73.3500 Application and report forms. - Following are the FCC broadcast application and report forms, listed by number.

<u>Form Number</u>	<u>Title</u>
301	Application for Authority to Construct or Make Changes in a Commercial Broadcast Station
301-A	Application for Authority to Operate a Broadcast Station by Remote Control or to Make Changes in a Remote Control Authorization
302	Application for New Broadcast Station License

90049

[§53:1206] §73.1206 Broadcast of telephone conversations. - Before recording a telephone conversation for broadcast, or broadcasting such a conversation simultaneously with its occurrence, a licensee shall inform any party to the call of the licensee's intention to broadcast the conversation, except where such party is aware, or may be presumed to be aware from the circumstances of the conversation, that it is being or likely will be broadcast. Such awareness is presumed to exist only when the other party to the call is associated with the station (such as an employee or part-time reporter), or where the other party originates the call and it is obvious that it is in connection with a program in which the station customarily broadcasts telephone conversations.

¶ NOTE: Section added by order in Docket No. 18601, effective June 22, 1970, 35 FR 7732. For Report see 19 RR 2d 1504.

[§53:1207] §73.1207 Rebroadcasts. - (a) The term "rebroadcast" means reception by radio of the programs or other transmissions of a broadcast or any other type of radio station, and the simultaneous or subsequent retransmission of such programs or transmissions by a broadcast station.

(1) As used in this section, "program" includes any complete program or part thereof.

(2) The transmission of a program from its point of origin to a broadcast station entirely by common carrier facilities, whether by wire line or radio, is not considered a rebroadcast.

(3) The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

(b) No broadcast station may retransmit the program, or any part thereof, of another U.S. broadcast station without the express authority of the originating station. A copy of the written consent of the licensee originating the program must be kept by the licensee of the station retransmitting such program and made available to the FCC upon request.

(1) Stations originating emergency communications under a Detailed State EBS Operation Plan are deemed to have conferred rebroadcast authority to other participating stations.

(2) Permission must be obtained from the originating station to rebroadcast any subsidiary communications transmitted by means of a multiplex subcarrier or the vertical blanking interval of a television signal.

90050

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(3) Programs originated by the Voice of America (VOA) and the Armed Forces Radio and Television Services (AFRTS) cannot, in general, be cleared for domestic rebroadcast, and may therefore be retransmitted only by special arrangements among the parties concerned.

(4) Except as otherwise provided by international agreement, programs originated by foreign broadcast stations may be retransmitted without the consent of the originating station.

(c) The transmissions of nonbroadcast stations may be rebroadcast under the following conditions:

(1) Messages originated by privately-owned nonbroadcast stations other than those in the Amateur and Citizens Band (CB) Radio Services may be broadcast only upon receipt of prior permission from the nonbroadcast licensee. Additionally, messages transmitted by common carrier stations may be rebroadcast only upon prior permission of the originator of the message as well as the station licensee.

(2) Except as provided in paragraph (d) of this section, messages originated entirely by nonbroadcast stations owned and operated by the Federal Government may be rebroadcast only upon receipt of prior permission from the government agency originating the messages.

(3) Messages originated by stations in the Amateur and Citizens Band (CB) radio services may be rebroadcast at the discretion of broadcast station licensees.

(d) The rebroadcasting of time signals originated by the Naval Observatory and the National Bureau of Standards and messages from the National Weather Service stations is permitted without specific authorization under the following procedures:

(1) Naval Observatory Time Signals.

(i) The time signals rebroadcast must be obtained by direct radio reception from a naval radio station, or by land line circuits.

(ii) Announcement of the time signal must be made without reference to any commercial activity.

(iii) Identification of the Naval Observatory as the source of the time signal must be made by an announcement, substantially as follows: "With the signal, the time will be . . . courtesy of the U.S. Naval Observatory."

(iv) Schedules of time signal broadcasts may be obtained upon request from the Superintendent, U.S. Naval Observatory, Washington, D.C. 20390.

(3) National Weather Service Messages.

(i) Messages of the National Weather Service must be rebroadcast within 1 hour of receipt.

(ii) If advertisements are given in connection with weather re-broadcast, these advertisements must not directly or indirectly convey an endorsement by the U.S. Government of the products or services so advertised.

(iii) Credit must be given to indicate that the rebroadcast message originates with the National Weather Service.

¶ NOTE: Section added by order effective December 15, 1972, 37 FR 23723. See 25 RR 2d 1719.

Section amended effective July 2, 1979, 44 FR 36034.  
For Order see 45 RR 2d 1267.

Subparagraph (a)(3) added and subsections (b) and (c) amended effective April 30, 1980, 45 FR 26059.  
For Order see 47 RR 2d 344.

Subsections (b) and (c) amended editorially by order effective August 13, 1973, 38 FR 18376.

Subparagraph (b)(2) amended by order in Docket No. 82-536, effective July 22, 1983, 48 FR 28445.  
For Report see 53 RR 2d 1519.

Subsection (c) amended and subsection (e) deleted by order in Docket No. 79-47, effective July 22, 1985, 50 FR 25241. For Report see 58 RR 2d 421.

Subsection (d) added effective November 26, 1985, 40 FR 54791.

[953:1211] §73.1211 Broadcast of lottery information. - (a) No licensee of an AM, FM or television broadcast station, except as in paragraph (c) of this section, shall broadcast any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise or scheme, whether said list contains any part or all of such prizes. (18 USC §1304, 62 Stat 763.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or other thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize, such winner or winners are required to furnish any money or other thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question. (See 21 FCC 2d 846 [18 RR 2d 1915].)

(c) The provisions of paragraphs (a) and (b) of this section shall not apply to an advertisement, list of prizes or other information concerning:

(1) A lottery conducted by a state acting under authority of state law when such information is broadcast:

(i) by a broadcast station licensed to a location in that state;  
or

(ii) by a broadcast station licensed to a location in an adjacent state which also conducts such a lottery. (18 USC §1307; 88 Stat 1916.)

(2) Fishing contests exempted under 18 USC §1305 (not conducted for profit, i.e., all receipts fully consumed in defraying the actual costs of operation).

(3) Any gaming conducted by an Indian Tribe pursuant to the Indian Gaming Regulatory Act (25 USC §2701 et seq.).



(d) For the purposes of paragraph (c)(1) of this section:

(1) "Lottery" means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. It does not include the placing or accepting of bets or wagers on sporting events or contests.

(2) A broadcast station licensed to a location in a state that conducts a state lottery may broadcast advertisements of or information concerning such lottery in its state of license and advertisements of or information concerning such lotteries conducted in any adjacent state. (See 18 USC §1307.) The exemption would, for example, permit a broadcast station licensed to a location in New York, which now conducts a lawful state lottery, to broadcast advertisements of or information concerning the New York State Lottery as well as the lawful State Lotteries of Massachusetts, Connecticut, New Jersey and Pennsylvania, since these states are adjacent to New York, and also conduct a state lottery. The exemption, however, would not permit a broadcast station licensed to a location in New York to broadcast information concerning the Maine or Michigan State Lotteries since those states are not adjacent states to New York. Nor would the exemption permit a station licensed to a location in Virginia to broadcast information concerning the Maryland State Lottery, since although Virginia is adjacent to Maryland, Virginia does not conduct a state lottery.

¶ NOTE: Section added, effective January 30, 1975, 40 FR 6209.

Subsections (c) and (d) amended and NOTE deleted effective February 8, 1980, 45 FR 6399. For Order see 46 RR 2d 1344.

Subparagraph (c)(3) added by order (FCC 89-124) effective June 14, 1989, 54 FR 20855. For Report see 66 RR 2d 365.

Federal criminal provisions relating to lottery broadcasts are reproduced in Current Service ¶26, ante. Digests on that subject may be found in Digest ¶¶26 and 148, as well as under §53:1211.

(e) The announcement required by this section shall, in addition to stating the fact that the broadcast matter was sponsored, paid for or furnished fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the station, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the material broadcast is political matter or matter involving the discussion or a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the broadcast matter, the station shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the location specified by the licensee under §73.3526 of this chapter. If the broadcast is originated by a network, the list may, instead, be retained at the headquarters office of the network or at the location where the originating station maintains its public inspection file under §73.3526 of this chapter. Such lists shall be kept and made available for a period of two years.

(f) In the case of broadcast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the broadcast.

(g) The announcement otherwise required by Section 317 of the Communications Act of 1934, as amended, is waived with respect to the broadcast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph, the licensee shall observe the following conditions:

(1) Maintain a list showing the name, address, and (where available) the telephone number of each advertiser;

(2) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list. Such list must be retained for a period of two years after broadcast.

[953:1216] §73.1216 Licensee-conducted contests. - A licensee that broadcasts or advertises information about a contest it conducts shall fully and accurately disclose the material terms of the contest, and shall conduct the contest substantially as announced or advertised. No contest description shall be false, misleading or deceptive with respect to any material term.

NOTE 1: For the purposes of this rule:

(a) A contest is a scheme in which a prize is offered or awarded, based upon chance, diligence, knowledge or skill, to members of the public.

(b) Material terms include those factors which define the operation of the contest and which affect participation therein. Although the material terms may vary widely depending upon exact nature of the contest, they will generally include: how to enter or participate; eligibility restrictions; entry deadline dates; whether prizes can be won; when prizes can be won; the extent, nature and value of prizes; basis for valuation of prizes; time and means of selection of winners; and/or tie-breaking procedures.

NOTE 2: In general, the time and manner of disclosure of the material terms of a contest are within the licensee's discretion. However, the obligation to disclose the material terms arises at the time the audience is first told how to enter or participate and continues thereafter. The material terms should be disclosed periodically by announcements broadcast on the station conducting the contest, but need not be enumerated each time an announcement promoting the contest is broadcast. Disclosure of material terms in a reasonable number of announcements is sufficient. In addition to the required broadcast announcement, disclosure of the material terms may be made in a non-broadcast manner.

NOTE 3: This rule is not applicable to licensee-conducted contests not broadcast or advertised to the general public or to a substantial segment thereof, to contests in which the general public is not requested or permitted to participate, to the commercial advertisement of non-licensee-conducted contests, or to a contest conducted by a nonbroadcast division of the licensee or by a nonbroadcast company related to the licensee.

† NOTE: Section added by order in Docket No. 20500, effective October 26, 1976, 41 FR 40469, 43152. For Report see 38 RR 2d 828.

[153:1940] §73.1940 Broadcasts by candidates for public office. - (a) Definitions. (1) A legally qualified candidate for public office is any person who:

(i) has publicly announced his or her intention to run for nomination or office;

(ii) is qualified under the applicable local, state or federal law to hold the office for which he or she is a candidate; and,

(iii) has met the qualifications set forth in either subparagraphs (2), (3) or (4), below.

(2) A person seeking election to any public office including that of President or Vice President of the United States, or nomination for any public office except that of President or Vice President, by means of a primary general or special election, shall be considered a legally qualified candidate if, in addition to meeting the criteria set forth in subparagraph (1) above, that person:

(i) has qualified for a place on the ballot, or

(ii) has publicly committed himself or herself to seeking election by the write-in method and is eligible under applicable law to be voted for by sticker, by writing in his or her name on the ballot or by other method, and makes a substantial showing that he or she is a bona fide candidate for nomination or office.

Persons seeking election to the office of President or Vice President of the United States shall, for the purposes of the Communications Act and the Rules thereunder, be considered legally qualified candidates only in those states or territories (or the District of Columbia) in which they have met the requirements set forth in paragraph (a)(1) and (2) of this Rule: Except, that any such person who has met the requirements set forth in paragraph (a)(1) and (2) in at least 10 states (or nine and the District of Columbia) shall be considered a legally qualified candidate for election in all states, territories and the District of Columbia for purposes of this Act.

(b) Charges for use of stations. The charges, if any, made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed

(1) during the 45 days preceding the date of a primary or primary runoff election and during the 60 days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period, and

(2) at any other time, the charges made for comparable use of such station by other users thereof. The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(3) This paragraph shall not apply to any station which is not licensed for commercial operation.

(c) Discrimination between candidates. In making time available to candidates for public office, no licensee shall make any discrimination between candidates in practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) See §§73.3526 and 73.3527. Records, inspection. Every licensee shall keep and permit public inspection of a complete record (political file) of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if the request is granted. When free time is provided for use by or on behalf of such candidates, a record of the free time provided shall be placed in the political file. All records required by this paragraph shall be placed in the political file as soon as possible and shall be retained for a period of two years. See §§73.3526 and 73.3527.

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¶ NOTE: Section added by order in Docket No. 78-103, effective August 28, 1978, 43 FR 32790. For Report see 43 RR 2d 905.

Subsection (d) corrected effective April 30, 1980, 45 FR 26059. For Order see 47 RR 2d 344.

Subsection (d) amended effective April 30, 1980, 45 FR 28141. Corrected, 45 FR 28141. For Order see 47 RR 2d 344.

Subsections (g) and (h) added by order effective October 16, 1978, 43 FR 45842. Corrected, 43 FR 55769. For Order see 44 RR 2d 481.

THE NEXT PAGE IS 53:2225

90059

21